

### REMARKS

Claims 1-9 are pending in this application. Claims 1, 3, 5, 7 and 9 are independent claims.

By this amendment, claims 1 and 3 are amended, and new claims 7-9 are added.

Reconsideration in view of the above amendments and following remarks is respectfully solicited.

#### Allowable Subject Matter

Applicant gratefully acknowledges the Examiner's indication of allowable subject matter in claims 5 and 6 over the art of record. The Office Action also indicates that claim 4 is objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

However, applicant respectfully submits that all of claims 1-9 are allowable, for at least the reasons set forth below.

#### The Claims Define Patentable Subject Matter

The Office Action makes the following rejections:

Of pending claims 1-9, claims 1-3 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,996,501 to Sano et al. (hereafter Sano).

This rejection is respectfully traversed.

Applicant respectfully submits that Sano fails to teach or suggest the present invention as set forth in independent claims 1 and 3.

Specifically, in amended claim 1, the AGC voltage is for varying the gain. The AGC voltage is directly fed to the variable-gain amplifier circuit to control the gain thereof. However, the gain of the fixed-gain amplifier circuit is not controlled by the AGC voltage. When the AGC voltage is within a predetermined voltage range, an overall gain is varied by the variable-gain amplifier circuit and, when the AGC voltage is outside the predetermined voltage range, the overall gain is kept constant by the fixed-gain amplifier circuit.

In contrast with the present invention, Sano merely discloses, as shown in Fig. 3 and Fig. 7, an amplifier circuit comprising a variable gain amplifier 1 that is connected to an input terminal 4. The variable gain amplifier 1 amplifies the input signal and feeds out the resultant signal. In Sano, a constant gain amplifier 2 receives the signal fed out from the variable gain amplifier 1 and further amplifies that signal and feeds it to an output terminal 5. Furthermore, in Sano, a gain control circuit 3 generates, by monitoring the signal fed out from the constant gain amplifier 2, a control signal by which a gain of the variable gain amplifier 1 is controlled so that the signal fed out from the constant gain amplifier 2 is not distorted. The control signal that controls the gain of the variable gain amplifier is merely fed out from a terminal 22 of the gain control circuit 3 and is then fed to the variable gain amplifier 1.

However, Sano fails to disclose that when the control signal is within a predetermined voltage range, an overall gain of the amplifier circuit is varied by the variable gain amplifier 1. Furthermore, Sano fails to disclose that when the control signal is outside the predetermined voltage range, the overall gain is kept constant by the constant gain amplifier 2.

In other words, Sano fails to disclose controlling the overall gain using either the variable gain amplifier 1 or the constant gain amplifier 2, based on whether the control signal is/ is not within a predetermined range, respectively.

Furthermore, the Examiner alleges that Sano discloses that when the +Vcc voltage is within a predetermined voltage range, an overall gain of the AGC amplifier circuit is varied by the variable-gain amplifier circuit. Furthermore, the Examiner alleges that Sano inherently teaches feeding an identical signal to the fixed-gain amplifier circuit and to the variable-gain amplifier circuit. (see Office Action, pages 2-3). Applicant respectfully disagrees with these allegations.

For example, a close review of Sano merely reveals that the constant gain amplifier circuit (2) amplifies a signal outputted from the variable gain amplifier circuit (1). In other words, in Sano the output of the variable-gain amplifier (1) is fed directly into the input of the constant-gain amplifier (2). (see Sano, Figs. 3 and 7). As such, Sano fails to disclose, inherently or otherwise, that an identical signal is being fed to the input of the fixed-gain amplifier (2) and also to the variable-gain amplifier (1).

Furthermore, as for the Examiner's allegation that Sano discloses that when the +Vcc voltage is within a predetermined voltage range, an overall gain of the AGC amplifier circuit is varied by the variable-gain amplifier circuit, applicant submits that the Examiner is mis-reading Sano.

For example, Sano discloses that the output of the constant-gain amplifier (2) is outputted from an output terminal 5 as an output signal of the amplifier circuit. (see Sano, col. 3, lines 14-16). In other words, the output of Sano's amplifier circuit comes from the constant-gain amplifier (2), instead of from either the constant-gain amplifier (2) or the variable-gain amplifier (1).

According to MPEP §2131, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ...claims." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913 (Fed. Cir. 1989). The elements must be arranged as required by the claims, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 ( Fed. Cir. 1990).

Applicant respectfully submits that the Office Action has failed to establish the required *prima facie* case of anticipation because the cited reference, Sano, fails to teach or suggest each and every feature as set forth in the claimed invention.

Applicant respectfully submits that independent claims 1, 3, 7 and 9 are allowable over Sano for at least the reasons noted above.

As for each of the dependent claims not particularly discussed above, these claims are also allowable for at least the reasons set forth above regarding their corresponding independent claims, and/or for the further features claimed therein.

Accordingly, withdrawal of the rejection of claims 1-3 under 35 U.S.C. §102(b) is respectfully solicited.

Conclusion

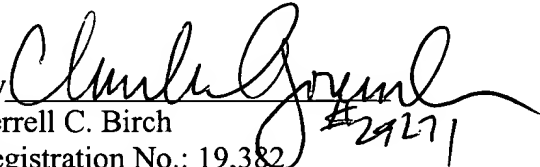
In view of the foregoing, Applicant respectfully submits that the application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact Carolyn T. Baumgardner (Reg. No. 41,345) at (703) 205-8000 **to schedule a Personal Interview.**

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment from or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17; particularly, the extension of time fees.

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Respectfully submitted,

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